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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

KRISTAL NUCCI and KELLY SHAW,  
individually and on behalf of all others  
similarly situated and the California  
Labor & Workforce Development  
Agency, and ANA GOSWICK,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

RITE AID CORPORATION,  
THRIFTY PAYLESS, INC. and DOES  
1-10, inclusive,

Defendants.

Case No.: 19-cv-01434-LB

**JOINT STIPULATION AND [PROPOSED]  
ORDER RE: PRELIMINARY APPROVAL  
HEARING DATE AND SCHEDULING  
ORDER**

Hon. Laurel Beeler

1 Plaintiffs Kristal Nucci, Kelly Shaw, and Ana Goswick (“Plaintiffs”) and  
2 Defendants Rite Aid Corporation and Thrifty Payless, Inc. (“Defendants”) hereby  
3 submit this Stipulation and [Proposed] Order Re: Preliminary Approval Hearing Date  
4 and Scheduling Order.

5 WHEREAS:

- 6 1. On January 18, 2022, the parties received a Notice that the court could  
7 accommodate a preliminary approval hearing date earlier than the February  
8 10, 2022 date now scheduled. (ECF Dkt. 124). The parties met and  
9 conferred and agree to the Court’s proposed hearing date of February 3,  
10 2022.
- 11 2. The Notice also asked for an update in the form of a scheduling order that  
12 assumes that the court will enter the preliminary-approval order on the  
13 hearing date and that specifies any court deadlines by actual date, including  
14 the filing of any motions and the date of the final approval hearing  
15 (generally five weeks after the motion).

16 Accordingly, the parties stipulate and request an order as follows:

- 17 1. The hearing date for Plaintiff’s Motion for Preliminary Approval to be set  
18 for February 3, 2022.
- 19 2. The scheduling order be approved with a hearing date for Plaintiff’s  
20 Motion for Final Approval and Motion for Attorney’s Fees and Costs to be  
21 set for May 25, 2022, or a date as soon thereafter as the Court has  
22 available.

23  
24 January 19, 2022

Respectfully submitted,

KLEIN, HOCKEL, IEZZA & PATEL P.C.

/s/ Thomas K. Hockel\*

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Thomas K. Hockel  
Attorneys for Defendants

January 19, 2022

AIMAN-SMITH & MARCY  
A PROFESSIONAL CORPORATION

/s/ Hallie Von Rock

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Hallie Von Rock  
Attorneys for Plaintiffs

\*Pursuant to Local Rule 5-1(i), the filer attests that all signatories listed, and on whose behalf the filing is submitted, concurs in the filing's content and have authorized the filing.

**[Proposed] Order**

The Court, having considered the above Joint Stipulation by counsel for Plaintiffs Kristal Nucci, Kelly Shaw, and Ana Goswick (“Plaintiffs”) and Defendants Rite Aid Corporation and Thrifty Payless, Inc. (“Defendants”), and good cause appearing, the Court HEREBY ORDERS that the hearing date for Plaintiffs’ Motion for Preliminary Approval of Class Action and PAGA Settlement is set for February 3, 2022 at \_\_\_\_\_ a.m./p.m. in Courtroom B, 15<sup>th</sup> Floor, located at 450 Golden Gate Ave., San Francisco, CA 94102.

The Court approves the following scheduling order:

Date of preliminary approval of the Settlement as to the Class	February 3, 2022
Deadline for Defendants to provide to Administrator and Class Counsel a list containing, for each Class Member, the following information: (1) name; (2) last known address, email address (to the extent such information is maintained in Defendants’ Human Resources Information System) and phone number (to the extent such information is maintained in Defendants’ Human Resources Information System); (3) Social Security Number; (4) number of weeks worked by each individual as a Class Member in a Rite Aid retail store during the Class Period; and (5) identity of Class Members whose employment has	March 4, 2022

1	terminated with Defendants.	
2	Deadline for Administrator to mail and	March 18, 2022
3	email the Class Notice to Class Members	
4	Deadline for Settlement Class Members	April 18, 2022
5	to file objections to the Settlement	
6	Filing of Final Approval Motion	April 20, 2022
7	Deadline for Administrator to provide the	May 13, 2022
8	Court with a declaration attesting to	
9	completion of the notice process	
10	Final Approval Hearing	May 25, 2022 at _____ a.m./p.m.
11	Effective Date	Upon Final Approval from the Court,
12		following Notice to Class Members
13		and a formal fairness hearing and
14		entry of a final judgment by the Court
15	Deadline for Defendants to pay the	The latest of:
16	Administrator all amounts awarded and	<ul style="list-style-type: none"> <li>• 14 calendar days following the</li> </ul>
17	approved by the Court (“Payment Date”)	<ul style="list-style-type: none"> <li>entry of a Judgment finally</li> </ul>
18		<ul style="list-style-type: none"> <li>approving this Settlement</li> </ul>
19		<ul style="list-style-type: none"> <li>• If an objection is filed, 14</li> </ul>
20		<ul style="list-style-type: none"> <li>calendar days after any</li> </ul>
21		<ul style="list-style-type: none"> <li>deadline to file an appeal has</li> </ul>
22		<ul style="list-style-type: none"> <li>expired</li> </ul>
23		<ul style="list-style-type: none"> <li>• If an appeal has been taken or</li> </ul>
24		<ul style="list-style-type: none"> <li>sought, 14 calendar days after</li> </ul>
25		<ul style="list-style-type: none"> <li>the Judgment is finally</li> </ul>
26		<ul style="list-style-type: none"> <li>affirmed by an appellate court</li> </ul>
27		<ul style="list-style-type: none"> <li>with no possibility of</li> </ul>
28		<ul style="list-style-type: none"> <li>subsequent appeal or judicial</li> </ul>
		<ul style="list-style-type: none"> <li>review, or the date the</li> </ul>
		<ul style="list-style-type: none"> <li>appeal(s) or reviews are finally</li> </ul>
		<ul style="list-style-type: none"> <li>dismissed</li> </ul>
	Deadline for Administrator to make all	Within ten (10) business days of the
	payments due under the Settlement	Payment Date

1	Check-cashing deadline	180 days after issuance
2	Deadline for Administrator to either	As soon as practicable after check-
3	distribute uncashed check funds to <i>cy</i>	cashing deadline
4	<i>pres</i> recipient or redistribute such funds	
5	Deadline for Plaintiffs to file a Post-	Within 21 days after the distribution
6	Distribution Accounting	of any remaining monies to Class
7		Members who cashed their
8		Settlement Award check or to the <i>cy</i>
9		<i>pres</i> recipient

11 **IT IS SO ORDERED.**

13 DATED:

\_\_\_\_\_  
Hon. Laurel Beeler